

1 **RAINES FELDMAN LLP**  
2 **JOHN S. CHA, ESQ. (SBN 129115)**  
3 jcha@raineslaw.com  
4 1800 Avenue of the Start, 12<sup>th</sup> Floor  
5 Los Angeles, California 90067  
6 Telephone: (310) 440-4100  
7 Facsimile: (424) 239-1613

8 Attorneys for Plaintiffs  
9 TC RICH, LLC, Rifle Freight, Inc., Fleischer  
10 Customs Brokers, Richard G. Fleischer, and  
11 Jacqueline Fleischer  
12

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**  
15

16 TC RICH, LLC, a California Limited  
17 Liability Company, RIFLE FREIGHT,  
18 INC., a California corporation,  
19 FLEISCHER CUSTOMS BROKERS, a  
20 sole proprietorship, RICHARD G.  
21 FLEISCHER, an individual, and  
22 JACQUELINE FLEISCHER, an  
23 individual,

24 Plaintiffs,

25 v.

26 PACIFICA CHEMICAL  
27 INCORPORATED, a California  
28 Corporation, AQUA SCIENCE  
ENGINEERS, INC., a California  
Corporation, A/E WEST  
CONSULTANTS, INC., a Nevada  
Corporation, and DOES 1 through 10,  
inclusive,

Defendants.

Case No. CV 15-4878 DMG (AGRx)

*Assigned to the Hon. Dolly M. Gee*

**NOTICE OF RELATED CASES OF  
PLAINTIFFS TC RICH, LLC, RIFLE  
FREIGHT, INC., FLEISCHER  
CUSTOMS BROKERS, RICHARD G.  
FLEISCHER, AND JACQUELINE  
FLEISCHER**

Hearing Date: April 19, 2019  
Time: 9:30 a.m.  
Courtroom: 8C

*TC RICH v. Pacifica Chemical, et al.*

**NOTICE OF RELATED CASES OF  
PLAINTIFFS TC RICH, LLC, RIFLE  
FREIGHT, INC., FLEISCHER  
CUSTOMS BROKERS, RICHARD G.  
FLEISCHER, AND JACQUELINE  
FLEISCHER**

Pursuant to Local Rule 83-1.3.1, Plaintiffs TC RICH, LLC, Rifle Freight, Inc., Fleischer Customs Brokers, Richard G. Fleischer, and Jacqueline Fleischer (“TC Rich,” or “Plaintiffs”) hereby give notice that this action is related to another pending civil case filed in this District.

On June 29, 2015, Plaintiffs filed a Complaint against Defendants Pacifica Chemical Inc. (“Pacifica Chemical”), Aqua Science Engineers, Inc., and A/E West Consultants, Inc.<sup>1</sup> (Dkt. 1) in the United States District Court for the Central District of California initiating the lawsuit styled as *TC Rich et al. v. Pacifica et al.*, Civil Action No. 2:15-cv-4878-DMG(AGR<sub>x</sub>) (“2015 Action”). The 2015 Action involves claims by Plaintiffs for cost recovery against Pacifica Chemical based on owner, operator, and arranger liability, declaratory relief, continuing private nuisance, continuing trespass, negligence, negligence per se, and professional negligence.

Although Pacifica Chemical has at times held itself out as the owner of the property, including in letters to permitting agencies, Plaintiffs recently discovered that Hussain Shaikh was the actual record title owner of the Property from approximately 1978 to 2003. Shah Chemical Corporation, on the other hand, is the predecessor company of Pacifica Chemical that also operated its chemical business at the Property. Both Shah Chemical Corporation and Pacifica Chemical are owned by Hussain Shaikh.

On March 21, 2019, Plaintiffs filed a Complaint against Defendants Hussain Shaikh and Shah Chemical Corporation in the United States District Court for the Central District of California initiating the lawsuit styled as *TC Rich et al. v. Hussain M. Shaikh et al.*, Civil Action No. 2:15-cv-2123 (“2019 Action”). Like the

---

<sup>1</sup> Aqua Science Engineers, Inc. and A/E West Consultants, Inc. reached a settlement with Plaintiffs in June 2016 and have been dismissed from the action.

1 2015 Action, the 2019 Action involves claims by Plaintiffs for cost recovery based  
 2 on owner, operator, and arranger liability, and declaratory relief under the  
 3 Comprehensive Environmental Response, Compensation, and Liability Act  
 4 (“CERCLA”), 42 U.S.C. §§ 9601 *et seq.*; continuing private nuisance; continuing  
 5 trespass; negligence; negligence per se; and professional negligence.

6 Both the 2015 and 2019 Actions are related because they “arise from the same  
 7 . . . transaction, happening, or event; [] call for determination of the same or  
 8 substantially related or similar questions of law and fact; [and] . . . would entail  
 9 substantial duplication of labor if heard by different judges.” L.R. 83-1.3.1.

10 First, both actions involve the same contamination at and migrating from the  
 11 property located at 132 West 132nd Street, Los Angeles (the “Property”), which was  
 12 caused by Shah Chemical’s and Pacifica Chemical’s occupation of and operation of  
 13 their respective chemical manufacturing and distribution businesses at the Property.  
 14 Both actions also involve the same causes of action and questions of law and fact.  
 15 Although the 2019 Action is against different defendants than the 2015 Action, the  
 16 defendants in both actions are closely related, as Hussain Shaikh is the owner of  
 17 both Pacifica Chemical and Shah Chemical, and Shah Chemical is the predecessor  
 18 company of Pacifica Chemical. Finally, due to the two actions involving nearly  
 19 identical questions of fact and law and closely related defendants, there would be a  
 20 substantial duplication of labor of the 2015 Action and 2019 Action were heard by  
 21 different judges.

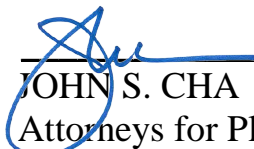
22 If the court in the 2019 Action transfers the case to this Court, Plaintiffs  
 23 believe that the 2019 Action should be consolidated with the 2015 Action pursuant  
 24 to Federal Rule of Civil Procedure 42, because the actions involve “a common  
 25 question of law or fact.” *See, e.g., In re Adams Apple Inc.*, 829 F.2d 1484, 1487 (9th  
 26 Cir. 1987); *see also* 8 Moore’s Federal Practice – Civil § 42.10; *Waste Distillation*

1 *Technology v. Pan American Resources, Inc.*, 775 F. Supp. 759, 761 (D. Del. 1991)  
2 (stating court has broad powers to consolidate actions to facilitate the administration  
3 of justice).

4  
5  
6 Dated: March 21, 2019

**RAINES FELDMAN LLP**

7  
8 By:

  
9 JOHN S. CHA  
10 Attorneys for Plaintiffs TC Rich, LLC, Rifle  
11 Freight Inc., Fleischer Custom Brokers,  
12 Richard G. Fleischer, and Jacqueline Fleischer  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26